

From: Sam Kerner
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement.

Dear Sir or Madam,

I am writing to express my disappointment in the proposed outcome of the US DOJ's case against microsoft. I do not see how the proposed settlement solves the problem of microsoft's flagrant abuses of it's monopoly power. Specifically, I believe a panel of people monitoring microsoft's behavior will be of no consequence. Microsoft entered a consent decree that was supposed to curtail it's behavior, but it was ignored. They have shown that if they wish to violate an agreement with the DOJ, they are willing to go to court to get out of complying with it. What makes anyone think they will not do the same thing if the monitoring panel's judgment is not to their liking?

For the DOJ to have taken this case to the point where microsoft has been found guilty and then settle with a remedy that is as weak as the one proposed is shameful. An effective remedy would have meant unprecedented opportunity for the computer industry, as companies would no longer be forced to comply with microsoft's anti-competitive contracts and undocumented APIs. If this settlement goes through, the computer industry will continue to be in the doldrums, and brilliant ideas that could have made our lives better and our economy stronger will continue to be crushed by the anticompetitive steamroller that is an unfettered monopolist, made more bold and dangerous by the knowledge that the laws of the united states do not apply to it.

Sam Kerner